

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

WESTERN PLASTICS, INC.,)	
)	
Plaintiff,)	
)	
)	JUDGMENT IN A
)	CIVIL CASE
v.)	CASE NO. 5:15-CV-294-D
)	
DUBOSE STRAPPING, INC.,)	
)	
Defendant.)	

Decision by Court. This action came before this Court and the Jury for ruling as follows.

IT IS ORDERED, ADJUDGED, AND DECREED that on September 25, 2018, the court GRANTED defendant DuBose Strapping, Inc.'s ("DuBose") motion to strike [D.E. 117], DENIED defendant DuBose's motion in limine to exclude testimony from Christopher Schulte [D.E. 57], GRANTED plaintiff Western Plastics, Inc.'s ("Western Plastics") motion to strike the '714 Patent [D.E. 131], DENIED defendant DuBose's motion for partial summary judgment [D.E. 49], and GRANTED in part and DENIED in part plaintiff Western Plastics' motion for partial summary judgment [D.E. 97]. In addition, the court GRANTED the parties' first stipulation [D.E. 66] and second stipulation [D.E. 126]. Defendant DuBose's motion in limine [D.E. 55] and plaintiff Western Plastics' motion in limine [D.E. 61, 65] were deemed WITHDRAWN. Plaintiff Western Plastics' motion in limine [D.E. 60] was incorporated in its motion for partial summary judgment, and the motion in limine was DENIED. See [D.E. 140].

IT IS ORDERED, AND DECREED that on February 28, 2019, the court granted plaintiff Western Plastics' motion for reconsideration [D.E. 141] concerning defendant DuBose's best mode defense and inequitable conduct defense. See [D.E. 146].

IT IS FURTHER ORDERED, AND DECREED that, pursuant to a jury verdict entered November 22, 2019, plaintiff Western Plastics did prove by a preponderance of the evidence that defendant DuBose willfully infringed U.S. Patent No. 8,080,304 ("the '304 Patent").

IT IS FURTHER ORDERED, AND DECREED that, pursuant to a jury verdict entered November 22, 2019, defendant DuBose did not prove by clear and convincing evidence that one or more claims of the '304 Patent were invalid as "anticipated," or, in other words, not new.

IT IS FURTHER ORDERED, AND DECREED that, pursuant to a jury verdict entered November 22, 2019, defendant DuBose did not prove by clear and convincing evidence that the

differences between the subject matter of the claimed invention in the '304 Patent and the prior art were such that the subject matter of any of claims 1, 11, 12, 13, 22, or 23 would have been obvious at the time the invention in the '304 Patent was made to persons having ordinary skill in the pertinent art.

IT IS FURTHER ORDERED, AND DECREED that, pursuant to a jury verdict entered November 22, 2019, plaintiff Western Plastics has proven by a preponderance of the evidence that it is entitled to recover lost profits from defendant DuBose in the amount of \$614,548.00.

This Judgment Filed and Entered on November 22, 2019 and Copies To:

Glenn E. Forbis	(via CM/ECF electronic notification)
J. Bradley Luchsinger	(via CM/ECF electronic notification)
J. Gray Wilson	(via CM/ECF electronic notification)
Anthony J. Biller	(via CM/ECF electronic notification)
Emily M. Haas	(via CM/ECF electronic notification)
G. Thomas Williams	(via CM/ECF electronic notification)

DATE:
November 22, 2019

PETER A. MOORE, JR., CLERK
(By) /s/ Nicole Sellers
Deputy Clerk